IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 31ST JULY 2007 / 9TH SRAVANA 1929

WP(C).No. 31705 of 2003(Y)

PETITIONER:

1. SATHYABHAMA, D/O. KUMARAN,
CHEROOLIL CHOWRIYEDATH, PULLOOT P.O.,
KODUNGALLUR.

2. DEVAYANI, D/O. KUMARAN,
CHEROOLIL CHOWRIYEDATH, PULLOOT P.O.,
KODUNGALLUR.

BY ADV. SRI.M.C.JOHN
SRI.C.PRABIN BENNY

RESPONDENTS:

1. THE TAHSILDAR (R.R.) KODUNGALLUR.

2. THE VILLAGE OFFICER, PULLOOT,
KODUNGALLUR.

3. THE COMMISSIONER FOR WORKMEN'S
COMPENSATION, (DEPUTY LABOUR COMMISSIONER),
THRISSUR.

4. C.K. VIJAYAN, CHEROOLIL
CHOWRIYEDATH, PULLOOT P.O., KODUNGALLUR.

5. P.S. ALMAN, S/O. PULICKAL SANKARA
NARAYANAN, PUTHENCHIRA, MUKUNDAPURAM TALUK,
THRISSUR DISTRICT.

6. PADMAVATHY, W/O. SANKARA NARAYANAN
PULICKAL HOUSE, PUTHENCHIRA P.O.,
MUKUNDAPURAM TALUK, THRISSUR DISTRICT.

BY ADV. SRI.N.B.ANOOP
SRI.CIBI THOMAS
ADV. SHRI.P.N.SANTHOSH, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 31/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) No. 31705/2003

APPENDIX

PETITIONER'S EXHIBITS

P1 : COPY OF THE NOTICE NO.B6-9222/03/LABOUR DATED 12/09/2003 ISSUED BY THE 1ST RESPONDENT.

// TRUE COPY //

PA TO JUDGE.

jg

C.N.RAMACHANDRAN NAIR, J.

WP(C) No. 31705 of 2003

Dated, this the 31st day of July, 2007

J U D G M E N T

Petitioner's property was mortgaged for granting abkari licence to respondents 4 to 6. Petitioner's case is that attachment against the property of the petitioner is for recovery of liability due to a deceased employee, towards payment of compensation awarded against the licencees in the form of workmen's compensation. Learned Government Pleader submitted that defaulter licencees have properties in Mukundapuram, which is under attachment. In the circumstances, this writ petition is disposed of with direction to the recovery authority to attach and sell the properties of the licencees, wherever it be, within a period of four months from now. The workmen's compensation Award should be settled first and balance amount should be appropriated towards abkari dues and other statutory liabilities if any. If liability is still left, petitioner's property can be proceeded against, after verifying whether the arrears due is for the period for which petitioner has executed solvency bond. Attachment against petitioner's property should be lifted only after clearing entire dues

under the solvency Bond. Recovery authority should pay the workmen's compensation Award from the amount recovered as above, within four months from today, failing which, the beneficiary can move this Court for initiating contempt.

(C.N.RAMACHANDRAN NAIR, JUDGE)

jg